

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

\_\_\_\_\_  
IN RE TRICOR INDIRECT PURCHASER  
ANTITRUST LITIGATION  
\_\_\_\_\_

)  
)  
) C.A. No. 05-360 (\*\*\*)  
) (consolidated)  
)

\_\_\_\_\_  
THIS DOCUMENT RELATES TO  
ALL ACTIONS  
\_\_\_\_\_

**NOTICE OF TAKING THE VIDEO-TAPED DEPOSITION OF  
RICHARD J. GILBERT**

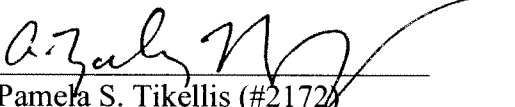
PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Civil Procedure, Plaintiffs in the above-referenced action will take the video-taped deposition upon oral examination of Richard J. Gilbert. This deposition will occur as follows:

<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Place</u></b>
July 25, 2007	9:00 a.m.	Keker & Van Nest, LLP
July 26, 2007	9:00 a.m.	710 Sansome Street San Francisco, CA 94111

The testimony of the witness will be video-taped and will be recorded and transcribed by a court reporter. The deposition will continue from day to day until completed. All counsel are invited to attend and cross-examine.

PLEASE TAKE FURTHER NOTICE that, under Federal Rules of Civil Procedure 26(a)(2) (B), 26 (b)(1), and 34, defendants are requested and required to produce the documents identified on Exhibit A attached hereto in advance of the deposition.

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Dated: July 17, 2007

**EXHIBIT A**

**DOCUMENTS TO BE PRODUCED  
IN ADVANCE OF THE DEPOSITION OF RICHARD GILBERT**

Please produce the following documents:

1. All documents, work papers, data, or other materials, electronic or otherwise, not yet produced to the Indirect Purchaser Class Plaintiffs in this litigation that:
  - (a) Dr. Gilbert is relying upon or intends to rely upon in connection with his June 29, 2007 report (and any and all opinions expressed therein);
  - (b) were prepared by him or persons working under his direction in connection with his June 29, 2007 reports, and upon which he is relying or intends to rely in any way for any of his opinions in this case, including the non-public materials cited in Exhibit C to Dr. Gilbert's report;
  - (c) relate to all tables and figures in Dr. Gilbert's June 29, 2007 report.
2. Dr. Gilbert's testimony, reports, and/or opinions in the legal matters in which he has submitted an expert report or was deposed, including the non-confidential materials cited in Exhibit B to Dr. Gilbert's June 29, 2007 report.
3. All documents produced at any time to any other party in connection with Dr. Gilbert's June 29, 2007 report or testimony in this case.

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C.A. No. 05-360 (\*\*\*)  
(consolidated)

**CERTIFICATE OF SERVICE**

I, A. Zachary Naylor, do hereby certify that on this 17<sup>th</sup> day of July 2007, I caused copies of the Notice of Taking the Video-Taped Deposition of Richard J. Gilbert, to be served on the following counsel by electronic mail:

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